

Message Text

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13

ACTION AF-18

INFO OCT-01 NEA-10 ADP-00 CIAE-00 DODE-00 PM-07 H-02

INR-10 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-12 IO-13 SY-10 RSR-01 /117 W

----- 097950

R 151020 Z JUN 73

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC 6688

INFO USINT ALGIERS

AMEMBASSY AMMAN

AMEMBASSY BEIRUT

USINT CAIRO

AMEMBASSY JIDDA

AMEMBASSY TRIPOLI

AMEMBASSY TUNIS

LIMITED OFFICIAL USE KHARTOUM 1326

E. O. 11652: N/ A

TAGS: PINT, SU

SUBJECT: BSO TRIAL: POSTPONEMENT MAGISTERIAL INQUIRY

REF: KHARTOUM 1321

1. SUMMARY. BSO MAGISTERIAL INQUIRY POSTPONED IN ORDER ALLOW FURTHER DEFENSE PREPARATION AND TO CONSULT WITH NON- SUDANESE ARAB LAWYERS. LOCAL PRESS CARRIES LIST OF ACCUSED NUMBERING TEN INCLUDING DRIVER AND WIRELESS OPERATOR IN ADDITION TO EIGHT WHO SEIZED EMBASSY. WE ANTICIPATE POSTPONEMENT WILL NOT BE PROTRACTED, BUT IS ANOTHER EXAMPLE OF GOS ACTION TO LESSEN ANY LIABILITY TO CHARGE THAT TERRORISTS RIGHTS NOT BEING FULLY PROTECTED. END SUMMARY.

2. POSTPONEMENT. CHIEF PROSECUTOR ABDEL MONEIM MUSTAFA ANNOUNCED LATE JUNE 14 MAGISTERIAL INQUIRY POSTPONED. MUSTAFA STATED DECISION TAKEN AT REQUEST BSO TERRORISTS AFTER MEETING
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WITH DEFENSE COMMITTEE AND WAS DESIGNED ALLOW ACCUSED AND COUNSEL OPPORTUNITY CONSULT WITH AND SECURE ASSISTANCE FROM NON- SUDANESE ARAB LAWYERS. THESE LAWYERS TO BE SELECTED AFTER CONSULTATIONS BETWEEN DEFENSE COMMITTEE AND PLO REP KHARTOUM. MUSTAFA NOTED DECISION BRING TERRORISTS BEFORE MAGISTRATE AT THIS TIME HAD BEEN MADE AT THEIR REQUEST; HENCE POSTPONEMENT AT THEIR REQUEST ALSO APPROPRIATE AND IN INTEREST INSURING THEY HAVE EVERY OPPORTUNITY FOR JUSTICE. NEW DATE FOR INQUIRY TO BE SET AS AGREED BETWEEN MAGISTRATE, PROSECUTOR AND DEFENSE COMMITTEE.

3. ACCUSED NAMED. DAILY " AL- AYAM" CARRIES LIST WHICH IT " UNDERSTANDS" TO BE NAMES AND AGES OF TEN ACCUSED. THESE INCLUDE EIGHT WHO TOOK OVER SAUDI EMBASSY, DRIVER OF CAR WHICH DELIVERED TERRORISTS AND WIRELESS OPERATOR WHO WAS EMPLOYED AT FATAH OFFICE. INTERESTING NOTE ONLY TWO OF TEN UNDER 20 (BOTH 19) THUS RULING OUT EARLIER SPECULATION THAT SOME TERRORISTS MIGHT NOT BE SUBJECT MAXIMUM SENTENCE ON GROUNDS EXTREME YOUTH. (UNDER SUDANESE LAW, MINIMUM AGE FOR CAPITAL PUNISHMENT IS 18) ACCUSED LISTED AS FOLLOWS:
RIZIG ABU EL KASSI (27); TARIG GAMIL (25); MOFLIH GUMA GASIM (25); SALIH MOHAMED ABDEL RAHIM (24); MAHIR KHALIL (19); GAMAL HUSSEIN MUSTAFA GHALIB (21); GASIM ALI IBRAHIM (22); KHALIF IBRAHIM IZZ EL DIN (20); KARAM MAHMOUD AWAM (25); HASSAN AHMED HUSSEIN, WIRELESS OPERATOR (19). WE BELIEVE, HOWEVER, THAT THE NAMES OF THE EIGHT TERRORISTS ARE THE FALSE NAMES UNDER WHICH THEY ENTERED THE SUDAN.

4. COMMENT: CLAIM THAT DECISION PROCEED WITH TRIAL AT THIS TIME TAKEN AT BEHEST OF MURDERERS IS PLAUSIBLE AND HELPS EXPLAIN OTHERWISE CURIOUS TIMING. IT ALSO PRESUMABLY REFLECTS SOME CONFIDENCE ON PART OF TERRORISTS AS TO OUTCOME. SUCH CONFIDENCE, HOWEVER, IS NOT UNIVERSAL. SOME OBSERVERS SUSPECT REQUEST FOR POSTPONEMENT AFTER FIRST CONTACT BETWEEN ACCUSED AND DEFENSE COMMITTEE REFLECTS COMMITTEE'S ADVICE THAT MURDERERS WILL NEED ALL HELP THEY CAN GET AND THAT OUTSIDE ASSISTANCE COULD STRENGTHEN EFFORT ARGUE POLITICAL EXTENUATING CIRCUMSTANCES.

5. WE DO NOT BELIEVE POSTPONEMENT WILL BE EXTENDED. TRIAL PROCEDURE HAS BEGUN AND CANNOT EASILY BE ALLOWED LAPSE. RELEASE
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OF LIST ACCUSED ALSO APPEARS CONSISTENT WITH PLAN MOVE AHEAD. FAILURE FIX NEW DATE SEEMS BE REFLECTION THAT DEFENSE SIMPLY DOES NOT KNOW AT THIS MOMENT WHEN IT WILL BE READY PROCEED.

6. FOR INFO ADDRESSEES: PLEASE INDICATE IF YOU DO NOT WISH RECEIVE THESE PERIODIC SITREPS ON BSO TRIAL.

FRITTS

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*** Current Classification *** LIMITED OFFICIAL USE

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